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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/692,722	10/19/2000	Bradley Staines	199-0850	5615

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EXAMINER

BOTTORFF, CHRISTOPHER

ART UNIT PAPER NUMBER

3618

DATE MAILED: 01/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/692,722

Applicant(s)

STAINES ET AL.

Examiner

Christopher Bottorff

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 2-7 and 13-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 8-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 October 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of species III, depicted in Figure 5, in Paper No. 9 is acknowledged. Applicant asserts that species III reads in claims 1, 6-12, and 15. However, claims 6 and 7 relate to species I, depicted in Figure 3 and discussed in the specification on page 3, lines 25-32, and page 7, lines 26-30. Also, claim 15 relates to species V, depicted in Figure 9 and discussed in the specification on page 9, line 26, through page 10, line 23. Therefore, claims 2-7 and 13-15 are withdrawn as being directed to non-elected species. Claims 1 and 8-12 are under consideration.

Information Disclosure Statement

The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

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The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc. Note the expression "The invention relates to" on line 1.

Claim Objections

Claim 1 is objected to because of the following informalities: the expression "the a" on line 6 appears to be a typographical error and would be more clearly expressed if the term "a" were deleted. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 and 8-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, the expressions "B1" and "B2" are not recognized as limiting the claim. As a result, the expression "greater than" on line 15 does not establish which of the first and second values is greater. The disclosure suggests that the second value is greater than the first value in the middle region. Expressing this limitation as "the second value is greater than the first value" would be more favorably considered. Also, lines 17-19 of claim 1 recite "the value" and "the value" as having different flexural strengths.

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However, this limitation is not clear as to which of the first and second value is greater.

The disclosure indicates that the first value is greater than the second value.

Expressing this limitation as "a flexural strength predominantly higher than the first value and lower than the second value" would be more favorably considered.

Similarly, the expressions "being greater than" and "predominantly higher than the value and lower than the value" in lines 7 and 10-11 respectively of claim 9 are unclear.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 8, 11, and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Takahashi US 6,179,364.

Takahashi discloses an engine hood 20 having a deformable head impact zone and comprising an outer shell 21 and an inner shell 22. See Figures 2 and 4. The engine hood is supported relative to a vehicle body at bearer regions of the hood. See Figure 1. The thickness of the hood increases from the region adjacent the bearer portions to the middle region of the hood to establish a rigidity profile in which the rigidity

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of the hood increases from the region adjacent the bearer portions to the middle region. See column 1, lines 54-59 and column 4, lines 5-24. Thus, the flexural strength profile of the hood includes: a flexural strength adjacent the bearer regions that is predominantly lower or equal to a first value, a flexural strength in a middle region that is predominantly higher than or equal to a second value that is greater than the first value, and a flexural strength in intermediate regions between the bearer regions and the middle region that is predominantly higher than the first value and lower than the second value. This forms a generally continuous and rising profile from the bearers to the edges and from the edges to the middle.

The inner shell has beads shaped as hat profiles which are connected to the to the outer shell at bead flanges bearing against the outer shell. See Figures 5-7. Junctions of the beads are formed predominantly by three hat profiles converging with one another. See Figure 2. Also, the flexural strength of each bead between two junction points is determined from the dimensions of the bead and of the outer shell at a section perpendicular to a neutral axis of the bead between two junction points. See column 4, lines 25-35.

Allowable Subject Matter

Claims 9 and 10 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

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Claim 9 defines the relative widths of the beads in the various zones. This is not taught by the prior art.

Conclusion


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hayata US 5,115,878, Seksaria US 5,124,191, Sakai et al. US 5,706,908, and Sakai et al. US 5,988,305 disclose engine hood strictures.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Bottorff whose telephone number is (703) 308-2183. The examiner can normally be reached on Mon.-Fri. 7:30 a.m. - 4:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Johnson can be reached on (703) 308-0885. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.


Christopher Bottorff


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1/8/04